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3 \*E-Filed 12/8/10\*  
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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
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16 PHONG K. NGUYEN,  
17  
18 Petitioner,

19 No. C 10-4126 RS (PR)

20 **ORDER OF DISMISSAL**

21 v.  
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23 BEN CURRY, Warden,  
24 Respondent.

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27 This is a federal habeas corpus action filed by a *pro se* state prisoner pursuant to 28  
28 U.S.C. § 2254. By order of this Court, petitioner was instructed that he was, within 30 days,  
1 U.S.C. § 2254. By order of this Court, petitioner was instructed that he was, within 30 days,  
2 to (1) pay the filing fee of \$5.00, or (2) file a complete *in forma pauperis* ("IFP") application,  
3 or he would face dismissal of the action. More than 30 days have passed since the order was  
4 filed and petitioner has not paid the filing fee or filed an IFP application. Accordingly, the  
5 action is DISMISSED without prejudice to petitioner's paying the filing fee or filing a  
6 complete IFP application. The Clerk shall enter judgment in favor of respondent and close  
7 the file.

8 **IT IS SO ORDERED.**

9 DATED: December 8, 2010  
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RICHARD SEEBORG  
United States District Judge

No. C 10-4126 RS (PR)  
ORDER OF DISMISSAL